(SRI V. S. PATIL)

period, the dealings done by them between the days on which the previous licences expired and the day on which this Bill will come into force. That will create unncessary trouble between the committee and the merchants of this place. This legislation instead of solving certain problems will create new problems which are likely to come up again before the Supreme Court and the Judges of that Court may blame us for being negligent or for acting as the handmaid of the executive. Therefore I would request the Hon. Minister to withdraw the bill.

Chair's ruling *re*: Competence of Legislature to Pass a Bill during the Pendency of a Civil Suit.

MR. SPEAKER.—The Hon'ble Member Sri Muckannappa has raised a point that on account of the pendency of a civil suit in a court, this Bill cannot be brought before the House. Throughout the length of his arguments, Sri V. S. Patil did not choose to raise the point and say that this House was not competent to discuss it and that the Hon'ble Minister, who has brought this Bill before the House, is not competent to bring it. On the other hand this question was raised in the form of a clarification first and then a ruling was demanded of me. Sri Patil did not say that the House was not competent. I am emphasising this aspect, for the reason that as a seasoned parliamentarian and good lawyer, Sri Patil was perhaps aware that the House is competent and a certain decision has been given by the Supreme Court never infringes upon the sovereign powers of this House to enact such laws as it deems fit. Neither the Supreme Court nor other civil courts have a right to adjudicate upon the powers of legislation of this House. The only power that the civil courts, including the Supreme Court, have to say that the legislation passed is invalid.

We can entertain the Bill. It is left to the House. The circumstances of that particular case is that a particular rule that is framed or the delegation of powers made under the rule framed under an Act which was passed, not by this Legislature, but by some other Legislature prior to re-organisation, is *ultra vires* of the powers of the Government. Therefore, the delegation is invalid, upon such invalid delegation, if the Government had chosen to frame rules, automatically they also become invalid. Therefore, what the Supreme Court has decided is, not that this Legislature has not got any powers to legislate but that the power of vesting in the Executive to frame a particular rule, which they do at a later stage, has not been properly done. Therefore, the rule framed is invalid. So, the powers of the Legislature are never doubted. So far as the pendency of the Civil suit is concerned, the House is not concerned with

it. It is the duty of the Civil Court to dispose of it on merits. Even if legislation is to affect the rights of parties in a litigation before a Court, it has never been contended nor has it been ever upheld that the powers of the Legislature are not supreme. This august House has got the supreme power to legislate. Pendency of a case is no concern of this House. When this is passed, if the Court thinks that it has been improperly passed or is *ultravires* of the Legislature, it can deal with it. So far as the powers of this Legislature are concerned, there is absolutely no limitation. This House is competent to discuss.

SRI C. J. MUCKANNAPPA.—Will it not jeopardize the interests of the parties ?

MR. SPEAKER.—It is good to have some patience. The question of a matter being *sub judice* and the interests of the parties how does all this come in this Legislation ? It is done, keeping in view the interests of public, and not the interests of some parties. Legislation is enacted to bind two crores of people of the State. They are as such bound by it.

Then, regarding the matter being *sub judice*, it may be so. We are not discussing the merits of the case. We are trying to see whether the rule which has been declared to be *ultra vires*, can be remedied, or whether the legislation can be perfected or defects removed by a proper legislation. Legislation passed at a time when a case was pending, has been amply upheld on many an occasion. We must consider what is prohibited, so far as the question of a matter being *sub judice* and the discussion on the merits of a case which are immature, and which would jeopardize or improperly influence, the decision to be arrived at in a Court are concerned ; we have neither the plaint, written statement nor the issues, nor do we propose to see any. Therefore, the point that is raised by the Hon'ble Sri Muckannappa cannot be upheld.

BOMBAY AGRICULTURAL PRODUCE MARKETS (MYSORE AMENDMENT) BILL, 1963.

Debate continued.

† SRI B. P. KADAM (Karwar).—Sir, the Bombay Agricultural Produce Markets (Mysore Amendment) Bill, 1963, is for the consideration of the House and the Hon'ble Minister has said that it is a small measure and that there is nothing controversial about it. For the very reason that it is a small measure, I request the Hon'ble Minister to withdraw it for the time being and bring it at a subsequent stage.

[MR. DEPUTY SPEAKER in the Chair.]

Anyway, this House will be in Session for about a week further and it will not be impossible for him to introduce this Bill with due amendment, because this House has considered the Mysore Agricultural